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## NOTICE OF ALLOWANCE AND FEE(S) DUE

001444 7590 09/09/2003  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

EXAMINER

CRANE, LAWRENCE E

ART UNIT

CLASS-SUBCLASS

1623

536-023100

DATE MAILED: 09/09/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,212	12/28/2001	Takeshi Imanishi	IMANISHI2B	4127

TITLE OF INVENTION: NOVEL BICYCLONUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	12/09/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
001444 7590 09/09/2003

**BROWDY AND NEIMARK, P.L.L.C.**  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,212	12/28/2001	Takeshi Imanishi	IMANISHI2B	4127

TITLE OF INVENTION: NOVEL BICYCLONUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUE

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nonprovisional	NO	\$1300	\$300	\$1600	12/09/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
CRANE, LAWRENCE E	1623	536-023100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



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001444	7590	09/09/2003	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			CRANE, LAWRENCE E	
			ART UNIT	PAPER NUMBER
			1623	11
DATE MAILED: 09/09/2003				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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001444	7590	09/09/2003	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			CRANE, LAWRENCE E	
			ART UNIT	PAPER NUMBER
			1623	
			DATE MAILED: 09/09/2003	

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

Section 1.18 Patent post allowance (including issue) fees.

- (a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
- By a small entity (Sec. 1.27(a))..... \$665.00
  - By other than a small entity..... \$1,330.00
- (b) Issue fee for issuing a design patent:
- By a small entity (Sec. 1.27(a))..... \$240.00
  - By other than a small entity..... \$480.00
- (c) Issue fee for issuing a plant patent:
- By a small entity (Sec. 1.27(a))..... \$320.00
  - By other than a small entity..... \$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

<b>Notice of Allowability</b>	Application No. <b>10/029,212</b>	Applicant(s) <b>Imanishi et al.</b>	
	Examiner <b>L. E. Crane</b>	Group Art Unit <b>1623</b>	

- THE MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.3134 and MPEP 1308.

1. ☒ This communication is responsive to ---amdt B & Terminal Disclaimer, both filed 05/27/03---
2. ☒ The allowed claims are ---1-5---
3. ☐ The drawings filed on ---[]--- are acceptable as formal drawings.
4. ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
  - a) ☒ All b) ☐ Some c)\* ☐ None of the
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received Application No. -09/380,638-
    3. ☐ Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))
  - \* Certified copies not received: -[]-
5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119 (e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS

- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
  - 1) ☐ hereto or 2) ☒ to Paper No. 04.
- (b) ☐ including changes required by the proposed drawing correction filed ☐, which has been approved by examiner.
- (c) ☐ including changes required by the Examiner's Amendment/Comment or in the Office action of Paper No. ☐.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.**

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of Reference(s) Cited, PTO-892                                       | 2 <input type="checkbox"/> Notice of Informal Patent Application, PTO-152             |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948                     | 4 <input checked="" type="checkbox"/> Interview Summary, PTO-413, P.N. <u>09,10</u> . |
| 5 <input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). <u>--[]--</u>   | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
| 9 <input type="checkbox"/> Other: <u>-[]-</u>  |   |

U.S. Patent Trademark Office

#### Notice of Allowability

PTO-37 (Rev. 04/05/02)

S. N. 10/029,212

Copy for ☒ FILE ☐ APPLICANT

Paper No. 11

Art Unit 1623

5 An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

✓ In claim 1 at the last line, the term "an amidite derivative" was replaced by the term -- a phosphoramidite --.

✓ In claim 3 at line 4, the entire line was deleted in favor of the term (N,N-diisopropylcyanoethoxyphosphoramidityl). --.

10 In claim 4 at line 6, the term "acidbase" was replaced with the term acid base --.

✓ In claim 5 at line 4, in order to correct numerous technical errors the entire chemical formula was replaced with a photocopy of the formula (II) found in original claim 5.

15 In claim 5 at line 7, the term "groups" was amended to read -- group --.

✓ In claim 5 at line 17, the following term was inserted after the term "50,"  
-- and  $n^3$  is an integer of 1-50, --.

20 In claim 5 at line 19, the term "n<sup>3</sup> denotes an interger of 1 to 50, provided that" was deleted in favor of the term -- and --.

✓ In claim 5 at line 21, the term "B<sub>1</sub> and need not be identical" was amended to read -- B<sub>1</sub> and B need not be identical --.

Art Unit 1623

Claim ~~6~~ was cancelled.

Authorization for this Examiner's Amendment was given in a telephone interview with Ms. Anne M. Kornbau on September 2, 2003.

5 Papers related to this application may be submitted to Group 1600 via facsimile transmission(FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone number for the FAX machine now operated by Group 1600 is **703-308-4556**.

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is **703-308-4639**. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson, can be reached on **703-308-4624**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is **703-308-1235**.

20 All Post-Allowance Correspondence concerning this application must be mailed to:

BOX ISSUE FEE  
COMMISSIONER FOR PATENTS


Art Unit 1623

WASHINGTON, DC 20231

OR you can FAX them to the Office of Patent Publications at 703-308-5083, in order to expedite the handling of such correspondence as  
5 amendments under 37 C.F.R. §1.312; Information Disclosure Statements (IDS's), and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

10 For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at 703-305-8027. The Notice of Allowance also has an insert containing contact information of other items, including Issue Fees, receipt of formal drawings, and the status of the application.

15 LECrane:lec  
09/05/03

  
James O. Wilson  
Supervisory Patent Examiner  
Technology Center 1600





United States Patent and Trademark Office

# TELECOPY/FACSIMILE TRANSMISSION (FAX)

GROUP 1600, Art Unit 1623

**Date:** August 7, 2003.

**Number of Pages** 04, Including This Page.

**To:** Ms. Anne Kornbau (Attny./Agent)

IMANISHI 2B || 10/029,212 (Attny Docket No./Application No.)

Browdy & Neimark (Organization/**Firm**/Agency)

9-1-202-737-3528 (FAX/Telecopier Number)

**From:** Examiner L. E. Crane, Art Unit 1623.

Art Unit 1600's FAX machine may be accessed at (703) 308-4556.

Examiner's Office Phone No.: (703) 308-4639. If you have not received all pages of this transmission, please contact the Examiner at the above telephone number.

All FAX machines will be available to receive transmissions 24 hours/day, 7 days/week.

If you have not received all pages of this transmission and cannot reach the Examiner, please contact this Office as soon as possible at one of the following telephone numbers:

The Examiner's supervisor, Mr. James O. Wilson, may be reached at (703) 308-4624.

The Group 1600 receptionist may be reached at (703) 308-1235.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE'S STAMPED DATE FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT DATE IS A SATURDAY, SUNDAY OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

Art Unit 1623

**DISCLAIMER:** The following is submitted by FAX as an informal communication sent to applicant for the purpose of assisting in the negotiation of allowable subject matter. Applicant(s) is/are respectfully requested to reply at their earliest convenience by telephone to Exmnr. Crane at 703-308-4639 to advise examiner as to whether the instant suggested amendment is appropriate. Explanations following each proposed amendment will be deleted in any finally agreed to amendment.

10 An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

15 In claim 1 at the last line, the term "an amidite derivative" was replaced by the term -- a phosphoramidite --. ("phosphoramidite" is the only class of "amidite" substituents enabled).

20 In claim 3 at line 4, the entire line was deleted in favor of the term -- N,N-diisopropylcyanoethoxyphosphoramidityl --. (applicant has admitted that the H's of PH<sub>2</sub> have been replaced; the correct name of the resultant substituent is as presented above.)

In claim 5 at line 21, the term "B<sub>1</sub> and need not be identical" was amended to read -- B<sub>1</sub> and B need not be identical --.

25 In claim 5 at lines 21-22, the term ", and R need not be identical" was deleted. (There is only one R so this term is superfluous.)

Art Unit 1623

Claim 6 was cancelled. (superfluous in light of the amendment of claim 1.)

Authorization for this Examiner's Amendment was given in a telephone interview with Ms. Anne M. Kornbau on August [], 2003.

5 Papers related to this application may be submitted to Group 1600 via facsimile transmission(FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone number for the FAX machine now operated by Group 1600 is **703-308-4556**.

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is **703-308-4639**. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

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containing contact information of other items, including Issue Fees,  
receipt of formal drawings, and the status of the application.

15 LECrane:lec  
08/[ ]/03

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James O. Wilson  
Supervisory Patent Examiner  
Technology Center 1600